

Message Text

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FM AMEMBASSY BUCHAREST
TO SECSTATE WASHDC 1448

C O N F I D E N T I A L SECTION 1 OF 3 BUCHAREST 6261

E.O. 11652: GDS
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SUBJECT: A STRATEGY FOR THE RAUTA FAMILY CASE

REF: (A) SILINS-ANDREWS MEMO DATED JULY 17, 1978, (B) BRODY
MEMO DATED AUGUST 14, 1978

1. SUMMARY. IN EMBASSY VIEW, PACEPA HAS PRACTICALLY
ELIMINATED PROSPECTS FOR NEAR-TERM FORWARD MOVEMENT ON RAUTA
FAMILY CASE, BUT THIS ENFORCED HIATUS ALSO GIVES US REAL
OPPORTUNITY TO DEVELOP STRATEGY FOR MIDDLE DISTANCE TO REPLACE
INTERMITTENT POUNDING TACTIC WHICH HAS BEEN INEFFECTUAL UP TO
NOW . GOAL OF REUNITING THIS MUCH-TESTED FAMILY CAN ONLY BE
ACHIEVED, IT SEEMS TO US, IF ALL NON-GOR PARTIES --- RAUTA AND
REHM, MRS. RAUTA, EXECUTIVE AND LEGISLATIVE BRANCHES AND
EMBASSY - DEVELOP AGREED AND COORDINATED PROGRAM WHICH
PRODUCES RESULTS. ONLY DEPARTMENT CAN ASSURE COORDINATING
FUNCTION, AND GIVEN IMPORTANCE AND DIFFICULTY OF CASE, IT
SHOULD BE ADDRESSED AT POLICY LEVEL. HENCE WE RECOMMEND
ESTABLISHMENT OF INFORMAL BUT POLICY-LEVEL STANDING
COORDINATING GROUP WORKING IN CLOSE CONSULTATION WITH
RAUTA AND REHM. WE BELIEVE LEGAL NICETIES ARE LESS
VITAL IN DEALING WITH GOR THAN POLITICAL DECISIONS, SO
THAT LEGAL STEPS -- CLEMENCY REQUEST AND RENUNCIATION
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OF CITIZENSHIP -- WILL PROBABLY HAVE MAINLY SYMBOLIC
VALUE. IF SO, THERE IS NATURAL SEQUENCE FOR PROMISING
NEXT STEPS: CLEMENCY REQUEST BY RAUTA, SUPPORTED BY
MRS. RAUTA SIGNIFYING ADMISSION OF GUILT ON HIS PART
ONLY); THIRD-COUNTRY DEPARTURE AND REUNIFICATION OF
FAMILY, PROPOSED INFORMALLY BY USG ON BASIS OF MAXIMAL
ASSURANCES OF MINIMAL PUBLICITY BY RAUTA, REHM AND

INTERESTED CONGRESSMEN; AND RENEWAL OF RAUTA'S APPLICATION TO RENOUNCE CITIZENSHIP. DEGREE AND TIMING OF EXECUTIVE AND LEGISLATIVE BRANCH SUPPORT WOULD DEPEND ON PROGRESS AND PROSPECTS AT EACH STEP IN SEQUENCE. ONCE GROUNDWORK IN PLACE, HIGH-LEVEL DEMARCHE TO CEAUSESCU HIMSELF WILL PROBABLY BE NECESSARY TO PUT DECISION OVER TOP. TO MAINTAIN STEADY SIGNAL OF USG INTEREST WHILE STRATEGY IS BEING DEVELOPED, EMBASSY RECOMMENDS INCREASING FREQUENCY OF CONSULAR VISITS TO MRS. RAUTA TO ONE A MONTH (AND WHENEVER SHE DESIRES, AS IN PAST). END SUMMARY

2. IN EMBASSY'S JUDGEMENT, ERUPTION OF PACEPA CASE HAS MADE PROSPECTS OF EARLY FORWARD MOVEMENT OF BENEFIT TO CONSTANTIN RAUTA AND HIS FAMILY AND SON SO REMOTE THAT THEY SHOULD BE CONSIDERED NON-EXISTENT FOR PRACTICAL PURPOSES. IT IS TRUE THAT THERE IS AS YET NO EVIDENCE THAT "PACEPA WAVES" HAVE BEGUN TO HAVE NEGATIVE EFFECT ON GOR DECISION-MAKING ON OTHER CASES WHICH ARE SECURITY-RELATED OR SO CONSIDERED BY ROMANIANS. IN ESPEY/ IONESCU MARRIAGE CASE, WHERE OBSTACLE WAS FIANCEE'S RETIRED SECURITY COLONEL FATHER, PERMISSION WAS RECEIVED LAST WEEK, FINALLY. IN VLAD GEORGESCU CASE, WHERE ISSUE IS POLITICAL OPPOSITION AT LEAST BORDERING ON TREACHERY, SLOWNESS OF MOVEMENT IS PROVOKING GEORGESCU TOWARD HUNGER STRIKE BEGINNING OCTOBER 1, BUT THERE APPEARS TO CONFIDENTIAL

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BE MOVEMENT NONETHELESS. HOWEVER, SHAKE-UP IN SECURITY FORCES IS STILL UNDERWAY, WITH MINISTER OF INTERIOR REPLACED ON SEPTEMBER 5, AND RELATED CHANGES HAVE JUST BEGUN TO TAKE EFFECT. AS A SECURITY DEFECTOR, RAUTA IS CLEARLY IN PACEPA'S CATEGORY, IF ON SMALLER SCALE, FOR ALL GOR OFFICIALS FROM CEAUSESCU ON DOWN. IF ISSUE OF WHETHER OR NOT TO "REWARD" TRAITOR BY RELEASING FAMILY BULKED LARGE BEFORE PACEPA, IT IS ENORMOUS NOW.

4. THIS PAUSE IS NOT NECESSARILY A BAD THING, SINCE IT PERMITS USG TO ELABORATE A CONSIDERED STRATEGY FOR IMPLEMENTATION AT SUCH TIME AS FURTHER FORWARD MOVEMENT SEEMS REALISTICALLY CAPABLE OF BRINGING US NEARER TO MAIN GOAL WE ALL SHARE: REUNIFICATION OF THIS MUCH-TESTED FAMILY, AND NORMAL LIVES FOR RAUTA'S WIFE AND SON.

5. UP TO NOW, IT SEEMS TO US, USG HAS BEEN ENGAGED IN TACTIC OF INTERMITTENT POUNDING, RATHER THAN IN STRATEGY. TACTIC HAS NOT BEEN SUCCESSFUL, AND IS UNLIKELY TO BE PRODUCTIVE IN FUTURE UNLESS IT IS EMBEDDED IN MORE COMPREHENSIVE STRATEGIC FRAMEWORK FEATURING GENERAL AGREEMENT BY ALL NON-GOR PARTIES INVOLVED CONCERNING

PURPOSE, LIMITS AND ROLES, WITH TIMING OF INDIVIDUAL STEPS DETERMINED BY OPPORTUNITY. FOR EXAMPLE, NOTHING USEFUL CAN BE DONE NOW, BECAUSE OF PACEPA, AND, AT FAR END OF STRATEGIC TIMEFRAME, IT IS NOT POSSIBLE TO PREDICT TIMING OF VISIT WHICH WILL PROVIDE OCCASION FOR KIND OF HIGH-LEVEL DEMARCHE WHICH WILL PROBABLY BE NECESSARY TO ACHIEVE FINAL RESOLUTION OF CASE ONCE GROUNDWORK HAS BEEN LAID. IT SEEMS TO EMBASSY THAT DEMARCHES MADE DURING CEAUSESCU'S APRIL VISIT WERE INEFFECTUAL BECAUSE TERRAIN HAD NOT BEEN ADQUATELY PREPARED BEFOREHAND. INEFFECTUALITY COULD NOT BE PREDICTED, BECAUSE CURRENT ROMANIAN VIEWS CAN NEVER BE PERFECTLY KNOWN (ESPECIALLY ON SUCH MURKY TOPICS), BUT CHANCES OF SUCCESS WERE OBVIOUSLY SMALL. IT IS CONFIDENTIAL

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NOW A QUESTION OF USING ENFORCED HIATUS IN RAUTA CASE TO DEVELOP A STRATEGY FOR MIDDLE DISTANCE: TO AGREE

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ON WHAT GROUNDWORK SHOULD BE, AND PROCEED PATIENTLY TO PUT IT IN PLACE AS OPPORTUNITIES ARISE, IN ORDER TO MAXIMIZE CHANCES OF SUCCESS.

6. SIX PARTIES WILL HAVE DISTINCT ROLES IN RESOLUTION OF CASE -- GOR, RAUTA AND REHM, MRS. RAUTA, US EXECUTIVE BRANCH, EMBASSY AND CONGRESS. ASSUMING AS WE MUST THAT GOR POLICY WILL BE UNITARY AND DETERMINED BY CEAUSESCU

HIMSELF, US STRATEGY CAN ONLY BE EFFECTIVE IF ALL NON-GOR PARTIES ARE CLEARLY AGREED ON PARTS THEY WILL PLAY IN ITS IMPLEMENTATION. EMBASSY LOOKS FORWARD TO CRITICAL CONTINUING ROLE IN DEVELOPMENT AND IMPLEMENTATION OF POLICY APPROACH TO RAUTA CASE, NOT ONLY AS OFFICIAL US REPRESENTATION IN ROMANIA AND PRIMARY LINK WITH MRS. RAUTA, BUT AS CONVINCED ADVOCATE OF POSITIVE SOLUTION. AT SAME TIME, IT IS CLEAR ONLY DEPARTMENT IS IN POSITION TO PLAY ESSENTIAL COORDINATING FUNCTION REQUIRED TO BRING ABOUT THIS RESULT. AND, GIVEN IMPORTANCE AND DIFFICULTY OF CASE, APPROPRIATELY HIGH-LEVEL LEADERSHIP WILL BE NEEDED IF WE ARE TO BE SUCCESSFUL. FIRST PRIORITY, THEREFORE, IS ESTABLISHMENT OF INFORMAL STANDING CONSULTATIVE GROUP CHAIRED AT POLICY LEVEL AND INCLUDING KEY INTERESTED PARTIES WITHIN EXECUTIVE AND LEGISLATIVE BRANCHES, WORKING IN CLOSE CONSULTATION WITH RAUTA AND REHM.
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7. SILINS AND BRODY MEMOS AT REFERENCE SEEM TO US TO IDENTIFY CERTAIN NUMBER OF ESSENTIAL BUILDING BLOCKS, AND FOLLOWING EMBASSY COMMENTS AND RECOMMENDATIONS ARE BASED SUBSTANTIALLY ON THESE TWO DOCUMENTS.

8. IT WILL BE IMPORTANT TO MAKE CLEAR TO ROMANIANS BOTH THAT WE HAVE NOT LOST INTEREST IN CASE AND THAT WE DO NOT SEE IT IN PACEPA CONTEXT. SUDDEN UPSURGE OF ACTIVITY IN RAUTA'S FAVOR, AT THIS POINT, WOULD BE USELESS FOR RAUTA FAMILY AND ALMOST CERTAINLY COUNTER-PRODUCTIVE FOR THEM, FOR OTHER INTENDING EMIGRANTS AND FOR BILATERAL RELATIONS, SINCE IT WOULD EMIT SPURIOUS BUT POWERFUL SIGNAL OF SPECIAL INTEREST IN SECURITY DEFECTORS. THUS, WE RECOMMEND AGAINST INITIATIVE FOR THE SAKE OF INITIATIVE AT LEAST UNTIL POSSIBLE GROUNDS FOR LINKAGE WITH PACEPA HAVE ERODED WITH PASSAGE OF TIME. SYSTEMATIC ENCOURAGEMENT OF DEMARCHES BY VISITING CONGRESSMEN OR USG OFFICIALS FALLS IN THIS CATEGORY. AT SAME TIME, THERE SHOULD BE NO EXPLICIT OR IMPLICIT SIGNAL THAT WE ARE SACRIFICING RAUTA FAMILY TO PACEPA. BEST WAY OF MAINTAINING STEADY SIGNAL OF INTEREST, IT SEEMS TO US, WOULD BE SLIGHT INCREASE IN FREQUENCY OF CONSULAR VISITS TO MRS. RAUTA. CURRENTLY, CONSULAR OFFICERS SEE HER WHENEVER SHE WISHES, AND ON AVERAGE OF EVERY FIVE OR SIX WEEKS. IF DEPARTMENT CONCURS, THEY MIGHT SUGGEST DURING NEXT VISIT THAT AVERAGE BE REDUCED TO ONCE EVERY FOUR WEEKS (AND, OF COURSE, WHENEVER SHE WISHES).

9. CLEMENCY, REGULARIZATION OF STATUS AND THIRD-COUNTRY REUNIFICATION. SILINS MEMO AT REF (A) SUCCINCTLY

PRESENTS ARGUEMENTS AND OPTIONS WITH REGARD TO CLEMENCY
REQUESTS BY RAUTA SPOUSES, AND BRODY MEMO RECORDS FACT
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THAT RAUTA'S APPLICATION TO RENOUNCE CITIZENSHIP HAS
BEEN PENDING WITH ROMANIAN EMBASSY WASHINGTON FOR YEARS.
SILINS ARGUES THAT SOME KIND OF CLEMENCY IS PROBABLY
NECESSARY BECAUSE RAUTA IS CONVICTED TRAITOR UNDER ROMANIAN
LAW AND WIFE AND CHILD CANNOT BE RELEASED UNTIL
HIS STATUS IS REGULARIZED IN LAW.

10. RAUTA'S LEGAL STATUS AND ITS RELATION TO PROSPECTS
FOR FAMILY'S RELEASE ARE IN FACT UNCLEAR TO EMBASSY. WE
ARE NOT SURE THAT HE IS LEGALLY CONVICTED TRAITOR,
THAT THERE IS NECESSARY PROCEDURAL SEQUENCE BETWEEN
DEPRIVATION OF CITIZENSHIP AND GRANTING OF CLEMENCY, OR
THAT THERE IS CLEAR LEGAL OR REGULATORY RELATIONSHIP
BETWEEN ACTS AFFECTING RAUTA AND ACTS AFFECTING HIS
FAMILY. WE HAVE NO DOUBT THAT THESE ARE IMPORTANT
QUESTIONS, GIVEN EXTREME LEGALISM OF ROMANIAN POLICY
IMPLEMENTATION. HOWEVER, WE DOUBT SERIOUSLY THAT
ANSWERS ARE OBTAINABLE BY AMERICANS PRIOR TO RELEASE OF
FAMILY, IF THEN. IN OTHER WORDS, ONCE DECISION TO
RELEASE FAMILY IS MADE, PROPER LEGAL FORMS WILL BE
IDENTIFIED AND OBSERVED BY ROMANIANS THEMSELVES. UNTIL
THEN, HOWEVER, LEGAL PICTURE WILL BE OPAQUE AT BEST
FOR OUTSIDERS, AND WE CANNOT AFFORD TO BASE USG
STRATEGY ON INTRICACIES OF ROMANIAN LAW AND REGULATIONS,
IN THIS CASE ALMOST CERTAINLY INVOLVING STATE SECRETS,
WHICH CANNOT BE KNOWN TO US.

11. THIS DOES NOT MEAN THAT CLEMENCY AND RENUNCIATION
OF CITIZENSHIP ARE NOT REAL OPTIONS. IT MEANS, HOWEVER,
THAT THEY WILL HAVE SYMBOLIC AND POLITICAL EVEN MORE
THAN PURELY JURIDICAL SIGNIFICANCE. AS SILINS POINTS
OUT, A CLEMENCY REQUEST WILL MEAN AN ADMISSION OF GUILT
BY RAUTA, AND DEPRIVATION OF CITIZENSHIP, IN ACCORDANCE
WITH HIS APPLICATION, WOULD ALMOST CERTAINLY MEAN THAT
FAVORABLE ACTION OF SOME KIND HAD BEEN TAKEN ON HIS
FAMILY'S CASE. GIVEN THIS PRIMARILY SYMBOLIC CHARACTER,
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SEQUENCE IS IMPORTANT: ADMISSION OF GUILT MUST PRECEDE
FAVORABLE ACTION, AND THEREFORE CLEMENCY REQUEST SHOULD
PRECEDE RENEWED PRESSURE FOR RENUNCIATION OF CITIZENSHIP.

12. AS WE SEE IT, ANOTHER STEP WILL BE REQUIRED SOMEWHERE IN BETWEEN: DISCOVERY OF SOME MEANS OF MINIMIZING PUBLICITY FOR POSITIVE SOLUTION INVOLVING FAMILY'S DEPARTURE. WE HAVE ARGUED IN PAST FROM FACT THAT US DOES NOT HOLD AMERICAN DEFECTORS' FAMILIES, BUT QUESTION OF "REWARD" FOR DEFECTION IS OBVIOUSLY PRIME OBSTACLE FOR ROMANIANS, AND THEY MUST HAVE BEST ASSURANCES WE CAN GIVE, WITHIN LIMITS SET BY DIFFERENT CHARACTER OF OUR SOCIETY, THAT PUBLICITY WILL BE MINIMIZED IF FAMILY IS PERMITTED TO DEPART. IT SEEMS TO US TWO ELEMENTS SHOULD BE CONSIDERED: UNPUBLICIZED DEPARTURE OF FAMILY ON TOURIST OR STATELESS PASSPORTS TO THIRD COUNTRY, AND AGREEMENT BY RUTA, REHM AND INTERESTED CONGRESSMEN TO DO ALL THAT IS WITHIN THEIR POWER TO MAINTAIN PUBLIC SILENCE ON FACT THAT WIFE AND SONS HAVE LEFT AND FAMILY HAS BEEN REUNITED. THIS IS ONE CASE WHERE POSITIVE SOLUTION SHOULD NOT BE ADVERTIZED AT MFN REVIEW TIME. INDEED, THERE IS ALMOST NO LIKELIHOOD THAT THERE WILL BE POSITIVE SOLUTION UNLESS WE CAN CONVINCE GOR, OR ALMOST CONVINCE GOR, THAT IT WILL NOT.

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13. IF THERE IS A NATURAL SEQUENCE OF STEPS (CLEMENCY, THIRD COUNTRY DEPARTURE PLUS NO PUBLICITY, AND DEPRIVATION OF CITIZENSHIP), THERE IS NO GUARANTEE THAT SEQUENCE WILL NOT FALTER AT EACH STEP, BEGINNING WITH FIRST; NOR IS THERE ANY "NATURAL PACE" FOR PROGRESS THROUGH SEQUENCE. DEPENDING ON URGENCY OF USG INTEREST, USG MAY EVEN NEED TO FACE GOR DEMAND FOR SOME FORM OF IMPLICIT RECOGNITION OF USG INVOLVEMENT, FALSE AS THIS ADMISSION WOULD BE.

14. WITH REGARD TO CLEMENCY, FINALLY, WE AGREE WITH SILINS' ARGUMENT THAT IT WILL BE ABSOLUTELY NECESSARY TO KEEP MRS. RAUTA FREE OF CO-CONSPIRACY CHARGE. IN OUR VIEW, SEPARATE BUT SIMILAR REQUESTS FOR CLEMENCY FROM BOTH RAUTA AND MRS. RAUTA WOULD CARRY HER TOO CLOSE TO THIS DANGEROUS EDGE. THEREFORE, WE BELIEVE INITIAL APPEAL SHOULD BE MADE BY RAUTA, AND THAT THIS SHOULD THEN BE SUPPORTED BY MRS. RAUTA ON HER OWN BEHALF.

15. AS SILINS ALSO POINTS OUT, HOW CLEMENCY APPEAL SHOULD BE MADE REMAINS TO BE WORKED OUT, AND SAME CAVEAT APPLIED FOR SPECIFICS AND TIMING OF EVERY STEP IN CASE.

16. IT APPLIES ESPECIALLY FOR EXECUTIVE AND LEGISLATIVE
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BRANCH SUPPORT. DEGREE AND FREQUENCY OF SUCH SUPPORT SHOULD BE DETERMINED BY TWO FACTORS, STATE OF OVERALL RELATIONS AND NATURE OF STEP BEING SUPPORTED. CLEMENCY IS IN FIRST INSTANCE MATTER FOR RAUTA AND MRS. RAUTA, WITH EMBASSY SERVING AS INFORMAL INTERMEDIARY FOR THEIR DELIBERATIONS; ONCE STEP IS TAKEN, IT SHOULD THEN BE SUPPORTED ON SELECTIVE BASIS AS APPROPRIATE. THIRD-COUNTRY/NO PUBLICITY STEP REQUIRES EXTENSIVE EXECUTIVE BRANCH CONSULTATIONS WITH RAUTA, REHM AND INTERESTED CONGRESSMEN CONCERNING PUBLICITY BEFORE INITIAL PRESENTATION CAN BE MADE AT APPROPRIATELY HIGH LEVEL, EITHER BY EMBASSY OR IN COURSE OF VISIT, AT TIME TO BE DETERMINED. WHETHER AND HOW THIRD STEP (RENEWED PRESSURE FOR RENUNCIATION OF CITIZENSHIP) IS MADE SHOULD PROBABLY DEPEND, AT THIS POINT, ON HOW STRATEGY HAS PROCEEDED UP TO THAT POINT.

17. HIGH-LEVEL DEMARCHE. IF STRATEGY PRODUCES RESULTS, AND DEMONSTRATES SOME FLEXIBILITY ON PART OF GOR IN ONE OR MORE AREAS, TO POINT WHERE COORDINATING GROUP DETERMINES THAT MAJOR PUSH PROMISES TO PUT DECISION OVER TOP, IT WILL PROBABLY BE NECESSARY, IN EMBASSY VIEW, TO MAKE A DEMARCHE AT CEAUSESCU'S LEVEL, FRAMED IN TERMS OF TANGIBLE BENEFIT TO US-ROMANIAN RELATIONS, AND DELIVERED EITHER BY A SPECIAL EMISSARY OR DURING THE COURSE OF A CLEARLY IMPORTANT MEETING. TO MAKE SUCH A DEMARCHE BEFORE TIME IS RIPE IS TO RISK MISFIRE WHICH WILL HURT RATHER THAN HELP MRS. RAUTA AND HER SON; WHEN TIME IS RIPE, HOWEVER, IT WILL BE REQUIRED TO SPRING THEM.

18. ADVISE.
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